



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 19, 2004

Mr. John M. Mascari
KCI Technologies, Inc.
153 E. Chestnut Hill Road, Ste. 102
Newark, DE 19713

RE: PLUS review – PLUS 2004-07-10; The Villages of Stoneybrook

Dear Mr. Mascari:

Thank you for meeting with State agency planners on August 4, 2004 to discuss the proposed plans for The Villages of Stoneybrook project to be located within the City of Seaford, east of US Route 13, north of Beaver Dam Drive, south of Tharp Drive and west of Beaver Dam Heights.

According to the information received, you are seeking a rezoning from C -2 and R-3 to R-3 for a 360 unit residential subdivision on 36.1 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Seaford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

This proposal is located within the City of Seaford, in an area reflected as Investment Levels 1 and 2 in the 2004 draft update of the Strategies for State Policies and Spending. The Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is currently awaiting final approval by Governor Minner. In Investment Levels 1 and 2, the State policies encourage well-planned orderly growth and infill development. For this reason, the Office of State Planning Coordination supports the

location of this project within an area favored for development where municipal services are available.

We note that a portion of this project area is reflected as commercial on the future land use map of the Seaford Comprehensive Plan. If this rezoning goes forward, it will require a comprehensive plan amendment. The Office of State Planning Coordination will work with the City of Seaford on this issue.

We would recommend that the developer consider redesigning the project using some of the principles found in the State's new publication, *Better Models for Development in Delaware*. Specifically, as currently designed, the project provides little connection between the different areas. We would recommend that the design provide a more cohesive community rather than two distinct communities.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is an old house and outbuildings on the property and the property could be a potential historic property because of these existing structures and the agricultural context. The development would diminish the agricultural context and the potential for the property to be historic. SHPO would like the developers to consider preserving the house and integrating it into their plans, possibly to function as the clubhouse. If this is not feasible, they request permission to access the property and document the house and outbuildings one last time before they are demolished. You can contact Anne McCleave at 302-739-5685 to discuss possible uses of the house or to schedule a time for documentation. Also, there is a high probability for prehistoric archaeological sites within the subject property.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

1. A traffic impact study (TIS) may be required for this project because of the amount of traffic it would add to an area that is already congested. Since the PLUS meeting we have met with the developer and their site engineer regarding the project. The need for a TIS is still under discussion. Presently the review time for completed TIS is about 8 months. There are studies in progress for two developments nearby, a Lowes store proposed for the northwest corner of Tharp Road and Route 13, and the Gallery Pointe development discussed below in comment 3. The firms preparing those studies are already familiar with the area.
2. DelDOT has conceptual plans for a service road that would serve parcels on northbound Route 13. As planned, this service road would begin at what is now proposed to be the development entrance on Beaver Dam Drive, and would follow the west edge of the subject property south of Tharp Road and the east edge of the Wal-Mart shopping center property north of Tharp Road. DelDOT will require that the developer build the south end of the service road as one of their site entrances and reserve or dedicate rights-of-way for the section between

- there and Tharp Road. The developer's engineer may contact DelDOT's Subdivision Engineer, Mr. Drew Boyce, for more information on the service road. He may be reached at (302) 760-2165.
3. As mentioned in comment 1, there is a large mixed-use development, known to us as Gallery Pointe, planned for the north side of Tharp Road, on what is known as the Krewatch Farm. Access to the proposed development will have to be coordinated with that project. DelDOT is hopeful that early coordination on the construction of improvements could result in cost savings for both developers. The developer's engineer may contact the architect for the Gallery Pointe project, Mr. Martin Dusbiber of George, Miles & Buhr, LLC, for more information about that project. Mr. Dusbiber can be reached at (302) 645-2236.
 4. It is recommended that a street connection be provided between the two developments, preferably the service road discussed in comment 2 above, so that local trips to and from them, e.g. from the condominiums to Wal-Mart, can be made without using US Route 13 or Beaver Dam Drive. If a street connection is not possible, then a bicycle and pedestrian connection should be provided.
 5. DelDOT has projects under development to make intersection improvements on Route 13 at both Stein Highway (Delaware Route 20, opposite Beaver Dam Road) and Tharp Road. The developer's engineer may contact DelDOT's project engineer for the intersection improvements, Ms. Sonya LaGrand, at (302) 760-2340.
 6. Both Beaver Dam Drive and Tharp Road are maintained by the State, Beaver Dam Drive as a subdivision street and Tharp Road as a numbered road. The developer's engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding our requirements with regard to the design of the site entrances. Mr. Fiori may be reached at (302) 760-2260.
 7. Attached is a follow up letter received from DelDOT on August 13, 2004 which serves as a follow on matters related to this site.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the recent soil survey update, the soils in the vicinity of the proposed construction are mapped as Evesboro, and Swamp.

The following is a summary of mapped soils found within the proposed construction area and are grouped on the basis of drainage class:

Excessively well drained - Evesboro
Very poorly drained (**Hydric**)-Swamp

The soils found on this site also contain mostly sandy surface and subsurface horizons. Sandy soils have rapid permeabilities and little or no phosphorus/nitrogen adsorption capacity, compared to finer-texture soils. Therefore, such soils are conducive to nutrient leaching via groundwater or surface runoff into receiving tributaries of the watershed; these impacts are intensified in those soils containing shallow water tables.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Nanticoke Watershed, a reduction of 30% for nitrogen and 50% phosphorus loading to the surface water are required. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. In the Chesapeake Watershed, “target-rate-reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals fall under the auspices of Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones (739-4590) in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget.

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses. **A 100-foot minimum isolation distance is recommended from all wetlands or waterbodies.**

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule.

Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a preapplication meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Discharges to the City of Seaford or DeIDOT right-of-way will require the approval of either the City of Seaford or DeIDOT. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

If common stormwater facilities will be proposed for both the age-restricted and apartments projects, an agreement for shared maintenance of stormwater management facilities must be created.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details.

Revegetation

For this project, DNREC requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. It is further recommended that you use native plants and the DNRC Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Recreation

Your efforts to include walking trails in the model are appreciated and DNREC applauded you for allowing adjacent property owners to express their comments and concerns. DNREC recommended that a series of stacking trail loops be designed with many access points and connections to adjacent communities. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access points, often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at (302) 739-5285.

It is also recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc. Therefore, we recommend that connections be made between the condominiums and apartments in this project as well as street/sidewalk connections to Ronmore Drive and Sussex Street.

It is encouraged that the designer/builder involve the Seaford Parks and Recreation Department in the recreation components of this project. Ron Breeding can be reached at (302) 628-6002.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Western Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

High Priorities

Walking or Jogging Paths

Picnic Areas

Bike Paths

Moderate Priorities

Swimming Pools

Baseball/Softball Fields

Hiking Trails

Fishing Areas

Basketball Courts

Campgrounds

Playgrounds

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 27.6 tons (55,256.2 pounds) per year of VOC (volatile organic compounds), 22.9 tons (45,748.4 pounds) per year of NOx (nitrogen oxides), 16.9 tons (33,754 pounds) per year of SO2 (sulfur dioxide), 1.5 ton (3,004.7 pounds) per year of fine particulates and 2,311.1 tons (4,622,114.4 pounds) per year of CO2 (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 4.4 tons (8,833.1 pounds) per year of NOx (nitrogen oxides), 15.4 tons (30,723.8 pounds) per year of SO2 (sulfur dioxide) and 2,265.9 tons (4,531,766.4 million pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 11.1 tons (22,287.4 pounds) per year of VOC (volatile organic compounds), 1.2 tons (2,452.3 pounds) per year of NOx (nitrogen oxides), 1 tons (2,452.3 pounds) per year of SO2 (sulfur dioxide), 1.3 ton (2,626.1 pounds) per year of fine particulates and 45.2 tons (90,348 pounds) per year of CO2 (carbon dioxide)

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	27.6	22.9	16.9	1.5	2311.1
Residential	11.1	1.2	1.0	1.3	45.2
Electrical Power		4.4	15.4		2265.9
TOTAL	38.7	28.5	33.3	2.8	4622.2

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which

would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

With that said this State notes that this proposed development is within a growth area and within the City of Seaford. Therefore, the State would ask that you consider the development of energy efficient homes and interconnectivity with the City and surrounding commercial areas to promote walkability, bikeability, and convenient access to transit.

Underground Storage Tanks

There are three inactive LUST sites located near the proposed project:

Kent Sussex Tire, Facility # 5-000727, Project # S 9303056

Seaford Moving and Storage, Facility # 5-000383, Project # S9108161

Allen's Auto Care, Facility # 5-000261, Project # S8609051

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

Site Investigation and Restoration

Please be advised that this project is located within a one (1) mile radius of a National Priority List site (Krewatch Farm Site). The project officer for this site is Adel Abumohor. Based on information gathered from Adel and the final plan, the contaminated soil was removed and disposed of off-site. The groundwater was also tested. Based on the results, this site was recommended for no further action.

State Fire Marshal's Office – Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
 - Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
 - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - Show Fire Lanes and Sign Detail as shown in DSFPR
 - For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.
- c. **Accessibility**
- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Beaver Dam Drive and Tharp Road must be constructed so fire department apparatus may negotiate it.
 - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
 - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 - If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- d. **Gas Piping and System Information:**
- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that the City of Seaford will provide water to the proposed projects through a central public water system. Public Service Commission files reflect that the City of Seaford does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water to the entire parcel. If the parcel was annexed after July 13, 2001 than Seaford needs only notify the PSC when the annexation was finalized. If annexation occurred prior to that date, Seaford may need to apply for the CPCN. The City should contact the PSC for additional information regarding this project.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

Because the applicant is proposing a mix of housing types, both rental and owner-occupied units, and one portion of the site is targeted as an active adult community, DSHA stated that they support this proposal for several reasons: the mix of housing types and tenure; the targeting of units for the elderly; and, the site's close proximity to services and markets. The elderly is the fastest growing segment of Delaware's population and the 2003 Statewide Housing Needs Assessment indicates that housing is needed to meet this demand. In addition, the site's location will facilitate residents' access to services and markets. While the prices of the units are not known at this time, DSHA encourages that some of the units be set aside for low- and moderate-income households.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Because of the size of this project, a significant impact is foreseen by implementation of this project. The Developer should notify police, fire service, and emergency medical response organizations serving the City of Seaford, to keep them apprised of all development activities.

Routes 20 and 13 are both coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coast storm event.

Department of Education – Contact: Nick Vacirca 739-4658

360 Single family units could generate and estimated 180 additional students to the Seaford School District.

Sussex County does not have school concurrence legislation at this time. We recommend that the developer submit a package to the school district for informational purposes.

If the development is approved and build, please use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included. The developer should work closely with the school district transportation supervisor.

PLUS – 2004-07-10 Villages of Stoneybrook

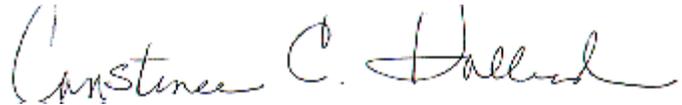
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Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director

CC: City of Seaford